

**KEVIN CROUSE, GINGER CROUSE,
and STEVE WEBER,**

Plaintiffs,

V.

**CROSSROADS WORKFORCE
INVESTMENT BOARD,**

Defendant.

Civil No. **07-031-WDS**

ORDER

PROUD, Magistrate Judge:

Before the court is third-party movant Illinois Department of Commerce and Economic Development's Motion to Quash Subpoena. (**Doc. 40**). Plaintiffs have filed a response at **Doc. 44**.

Plaintiffs are suing their former employer, Crossroads Workforce Investment Board, for allegedly retaliating against them in violation of Title VII. Plaintiffs initially sued Therese McMahon, a deputy director of the Illinois Department of Commerce and Economic Development, under 42 U.S.C. §1983 and for intentional infliction of emotional distress. The claims against McMahon were dismissed. **See, Doc. 35.**

This motion is brought pursuant to Fed.R.Civ.P. 45. The subpoena directs the Department to produce the personnel files of Therese McMahon, Ray Parrack, and Melissa Daniel. The Department objects to producing the files on the basis of relevance. Movant points out that McMahon, Parrack, and Daniel were not employed by defendant Crossroads Workforce Investment Board, were obviously not plaintiffs' employer, and are not parties to this action. Secondly, movant objects that the personnel files contain information personal to the employees,

and that disclosure would violate the employees' right to privacy.

In response, plaintiffs point out that they are entitled to discover relevant information, which may include impeachment material. They also point out that they offered to exclude personal information such as information relating to health, insurance, or family matters.

Fed.R.Civ.P. 26(b)(1) defines the scope of discovery as follows: "Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense.... Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence."

It is difficult to see how the personnel files of Therese McMahon, Ray Parrack, or Melissa Daniel could contain information relevant to the issues in this case. Plaintiffs's response makes no effort to explain how the information could be relevant, except for their observation that impeachment information is discoverable. While that may be true as a general proposition, there is no blanket rule that permits the discovery of the personnel file of every witness so that impeachment information can be searched for. This appears to be the classic "fishing expedition."

Upon consideration and for good cause shown, third-party movant Illinois Department of Commerce and Economic Development's Motion to Quash Subpoena (**Doc. 40**) is **GRANTED**.

IT IS SO ORDERED.

DATE: May 19, 2008.

s/ Clifford J. Proud _____
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE